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6 UNITED STATES DISTRICT COURT  
7 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
8 OAKLAND DIVISION  
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10 TYRONE L. ADAMS,

11 Plaintiff,

12 vs.

13 CHARLES L. EASLEY, et al.,

14 Defendant.  
15

Case No: C 11-1219 SBA

**ORDER**

Docket 18, 19

16 On March 11, 2011, Plaintiff, pro se, filed the instant action. Dkt. 1. Under Federal  
17 Rule of Civil Procedure 4(m), Plaintiff had until July 11, 2011 to effectuate service on  
18 defendants. On July 11, 2011, Plaintiff submitted two an ex parte applications, one  
19 requesting that the Case Management Conference set for July 20, 2011 be continued and  
20 one requesting an extension of time of an additional 120 days to serve defendants. Dkt. 18,  
21 19. Plaintiff seeks additional time to effectuate service because of the difficulties  
22 associated with servicing “over fifty” defendants. Dkt. 19.

23 Rule 4(m) states:

24 If service of the summons and complaint is not made on a  
25 defendant within 120 days after the filing of the complaint, the  
26 court, upon motion or on its own initiative after notice to the  
27 plaintiff, shall dismiss the action without prejudice as to that  
28 defendant or direct that service be effected within a specified  
time; provided that if plaintiff shows good cause for the failure,  
the court shall extend the time for service for an appropriate  
period.

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1 (Emphasis added). In light of Plaintiff's pro se status, the Court will grant Plaintiff's  
2 request for an additional 120 days. However, Plaintiff is warned that no further extensions  
3 of time will be granted.

4 Moreover, Plaintiff is advised by the Court that his amended complaint, filed July 1,  
5 2011, is defective because it is devoid of allegations showing how each defendant violated  
6 his rights. Plaintiff must "set forth specific facts as to each individual defendant's" role in  
7 the actions about which he complains. See Leer v. Murphy, 844 F.2d 628, 634 (9th Cir.  
8 1988) (stating that pro se prisoner was required to "set forth specific facts as to each  
9 individual defendant's deliberate indifference" to establish that the individual defendant  
10 was liable for an attack by a fellow prisoner). Plaintiff should amend his complaint to set  
11 forth additional facts regarding each defendant's actions that he contends resulted in a  
12 violation of his rights. Accordingly,

13 IT IS HEREBY ORDERED THAT:

14 1. To the extent that he is able to do so in good faith, as required by Federal  
15 Rule of Civil Procedure 11, Plaintiff shall amend his complaint to allege specific facts of  
16 the role that each defendant had in violating his rights. Plaintiff shall file his Second  
17 Amended Complaint within thirty (30) days of the date of this Order. Failure to comply  
18 with the deadline will result in dismissal of the action without prejudice.

19 2. Plaintiff shall effect service of the Second Amended Complaint on all  
20 defendants named in this action within 120 days of the date this Order is filed. Upon  
21 effectuating service, Plaintiff shall file a certificate of service with the Court forthwith.  
22 Failure to serve defendants within the specified time-frame will result in the dismissal of  
23 the action, without prejudice, in accordance with Rule 4(m).

24 3. The telephonic Case Management Conference currently scheduled for July  
25 20, 2011 is CONTINUED to **October 12, 2011 at 2:45 p.m.** Prior to the date scheduled  
26 for the conference, the parties shall meet and confer and prepare a joint Case Management  
27 Conference Statement. The joint statement shall be filed no later than seven (7) days prior  
28 to the conference and shall comply with the Standing Order for All Judges of the Northern

1 District of California and the Standing Order of this Court. Plaintiff shall be responsible for  
2 filing the statement as well as for arranging the conference call. All parties shall be on the  
3 line and shall call (510) 637-3559 at the above indicated date and time. Plaintiff are  
4 warned that the failure to comply with this or any other court order or applicable procedural  
5 rule may result in the imposition of sanctions, up to and including dismissal of the action  
6 under Federal Rule of Civil Procedure 41(b).

7 4. Plaintiff shall serve a copy of this Order on defendants along with the  
8 summons and complaint.

9 IT IS SO ORDERED.

10  
11 Dated: July 15, 2011

  
12 SAUNDRA BROWN ARMSTRONG  
13 United States District Judge  
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10 Case Number: CV11-01219 SBA

11 **CERTIFICATE OF SERVICE**

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District  
13 Court, Northern District of California.

14 That on July 18, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said  
15 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
16 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
17 located in the Clerk's office.

18 Tyrone L. Adams  
19 P.O. Box 981044  
20 West Sacramento  
West Sacramento, CA 95798

21 Dated: July 18, 2011

Richard W. Wieking, Clerk

22 By: LISA R CLARK, Deputy Clerk  
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